

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LUIS GALEGO,

Plaintiff,

v.

BRUCE BANNISTER, *et al.*,

Defendants.

3:10-cv-00468-LRH-WGC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#61¹) entered on December 29, 2011, recommending that Plaintiff's Cross-Motion for Summary Judgment (#47), filed August 12, 2011, be construed as an opposition to Defendants' Motion for Summary Judgment. As a result, the Magistrate Judge recommends that Defendants' Motion to Strike (#50), filed September 1, 2011, be denied. And the Magistrate Judge also recommends that Plaintiff's Motion for Summary Judgment (#46), filed August 10, 2011, be denied and that Defendants' Motion for Summary Judgment (#35), filed June 2, 2011, be granted in part and denied in part. Defendants filed their Objections to the Magistrate Judge's Report and Recommendation (#64) on January 12, 2012. Plaintiff has not filed a response. This action was referred to the U.S. Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 1B 1-4 of the Rules of Practice of the United States

¹Refers to court's docket number.

1 District Court for the District of Nevada.

2 The Court has conducted its *de novo* review in this case, has fully considered the objections of
3 the Defendants, the pleadings and memoranda of the parties and other relevant matters of record
4 pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the
5 Magistrate Judge's Report and Recommendation (#61) entered on December 29, 2011, should be
6 adopted and accepted.

7 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#61)
8 entered on December 29, 2011, is adopted and accepted, as follows:

- 9 1. Plaintiff's Cross-Motion for Summary Judgment (#47) is construed as his opposition to
10 Defendants' Motion for Summary Judgment and, therefore, Defendants' Motion to Strike
11 Plaintiff's Cross-Motion for Summary Judgment (#50) is DENIED;
12 2. Plaintiff's Motion for Summary Judgment (#46) is DENIED;
13 3. Defendants' Motion for Summary Judgment (#35) is GRANTED in part and DENIED in
14 part: The motion is GRANTED as to Plaintiff's official capacity damages claims. In all
15 other respects, the motion is DENIED.

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17 IT IS SO ORDERED.

18 DATED this 17th day of February, 2012.

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22 LARRY R. HICKS
23 UNITED STATES DISTRICT JUDGE
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